

1 DANIEL JOHNSON, JR. (State Bar No. 57409)  
2 RITA E. TAUTKUS (State Bar No. 162090)  
3 MORGAN, LEWIS & BOCKIUS LLP  
4 One Market, Spear Street Tower  
5 San Francisco, CA 94105-1126  
6 Tel: 415.442.1000  
7 Fax: 415.442.1001  
8 E-mail: djjohnson@morganlewis.com  
9 E-mail: rtautkus@morganlewis.com

6 LORRAINE M. CASTO (State Bar No. 238154)  
7 MORGAN, LEWIS & BOCKIUS LLP  
8 2 Palo Alto Square  
9 3000 El Camino Real, Suite 700  
10 Palo Alto, CA 94306-2122  
11 Tel: 650.843.4000  
12 Fax: 650.843.4001

13 Attorneys for Plaintiffs  
14 ARK Diagnostics, Inc.

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

17  
18 ARK DIAGNOSTICS, INC., a California  
19 corporation,

20 Plaintiffs,

21 v.  
22 THERMO FISHER SCIENTIFIC INC., a  
23 Delaware corporation; and SERADYN  
24 INC., a Delaware corporation,

25 Defendants.

26 Case No. 09-3132 PJH

27 **STIPULATION OF DISMISSAL WITH  
28 PREJUDICE AND ORDER**

29  
30 The undersigned hereby stipulate pursuant to the terms of their settlement agreement that  
31 the instant action, Case No. 09-3132 PJH, is hereby dismissed with prejudice. Each party shall  
32 bear its own costs, expenses and attorneys' fees.

33 SO STIPULATED.

1 Dated: November 5, 2009

MORGAN, LEWIS & BOCKIUS LLP

2  
3 By   
4

Daniel Johnson, Jr.  
5 Attorneys for Plaintiffs  
6 ARK DIAGNOSTICS, INC.

7 Dated: November 3, 2009

8 By   
9

10 Denise Riemann  
11 Attorneys for Defendants  
12 THERMO FISHER SCIENTIFIC INC. and  
13 SERADYN INC.

14 11/17/09

